

ESTTA Tracking number: **ESTTA457466**

Filing date: **02/20/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85065887
Applicant	Lin, Kun Yuan
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Submission	Appeal Brief
Attachments	3D Trademark Appeal Brief (3).pdf (9 pages)(27131 bytes) Exhibit 1_Patent Certificate.pdf (3 pages)(1473212 bytes) Exhibit 2_Products Description.pdf (4 pages)(657278 bytes) Exhibit 3.pdf (8 pages)(1309276 bytes) Exhibit 4.pdf (5 pages)(604938 bytes) Exhibit 5.pdf (19 pages)(4416786 bytes) Declaration of Applicant.pdf (3 pages)(846579 bytes)
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Signature	/Alfred H. Chan/
Date	02/20/2012

APPLICANT’S BRIEF IN SUPPORT OF APPEAL

INTRODUCTION

Applicant hereby appeals the trademark Examining Attorney’s final refusal to register the applied-for mark contained in trademark serial number 85065887, which consists of a three-dimensional configuration of the goods in International Class 28. The Examining Attorney has refused to permit the registration of the proposed mark on the basis that it is merely a functional design for such goods pursuant to Trademark Act Section 2(e)(5), 15 U.S.C. §1052(e)(5).

Applicant respectfully requests that this refusal be overruled.

FACTS

On June 17, 2010, Lin, Kun Yuan (hereinafter referred to as “Applicant”), filed an application to register the distinctive three-dimensional configuration contained in serial number 85065887, on the Principal Register in International Class 28. The Examining Attorney issued an office action on September 25, 2010, refusing registration under both Section 2(e)(5) of the Trademark Act, (merely functional design for such goods), and also stating the applied for mark consists of a non-distinctive product design (Trademark Act Sections 1, 2 and 45). Applicant responded on May 30, 2011, arguing that the design of its goods is not merely functional, and provided substantial evidence that Applicant’s unique configuration had attained “acquired distinctiveness” over the years. Although the Examining Attorney agreed with Applicant that it had established “acquired distinctiveness” for its goods configuration, the Examining Attorney issued a final refusal on June 23, 2010 as to the issue of Applicant’s goods being “merely functional.” The Examining Attorney also issued a final refusal as to Applicant’s description of

the configuration of the goods. Applicant filed a Notice of Appeal on December 22, 2011.

Applicant hereby submits its brief in support of its appeal.

ARGUMENT

A. The Applied-For Mark is Not a Functional Configuration of Goods:

The Examining Attorney indicated that the applied-for mark, which consists of a three-dimensional configuration of the goods, appears to be a functional design for such goods and therefore cannot be registered in the Principle Register. Applicant respectfully disagrees with the assertion, and hereby submits the following arguments and additional information in support of registration.

In determining whether a particular design is functional and not entitled to trademark protection, both the Federal Circuit courts and the Board should consider the following four factors, as established by the seminal decision in *In re Morton-Norwich Products, Inc.* (1) The existence of a utility patent disclosing the utilitarian advantages of the design; (2) Advertising materials in which the originate to or of the design touts the designs utilitarian advantages; (3) The availability to competitors of functionally equivalent designs; and (4) Facts indicating that the design results in a comparatively simple or cheap method of manufacturing the product. See *In re Morton-Norwich Products, Inc.*, 671 F.2d 1332, 1340-41 (CCPA 1982).

i. Lack of Utility Patent for Applicant's Design

As noted in *In re Morton-Norwich Products, Inc.*, the existence of a utility patent has “vital significance” in determining whether a product feature is protectable under the Lanham Act. Here, not only has there never been a utility patent issued in connection with Applicant's

design, the applied-for mark has been the subject of a design patent (U.S. Design Patent 399,969) since October 20, 1998. See Exhibit 1. While it is true that the existence of a utility patent will serve as evidence of functionality, the opposite is true with a design patent. A design patent is presumed to be primarily “ornamental,” and not functional. See *L.A. Gear, Inc., v. Thom McAn Shoe Co.*, 988 F.2d 1117, 1123 (Fed. Cir. 1993) (emphasis added). In fact, a design patent cannot properly be obtained on a configuration or design feature that is primarily functional. See *Power Controls Corp., v. Hybrinetics, Inc.*, 806 F.2d 234, 238 (Fed. Cir. 1986). As noted by the court in *In re Morton-Norwich*,” the existence of a design patent suggests, at least presumptively, that the design is not de jure functional.” See *In re Morton-Norwich Products, Inc.* 671 F.2d 1332, 1342 (footnote 3). As a result, the fact that Applicant’s product design was the covered by a design patent provides presumptive evidence that Applicant’s design is not merely functional.

ii. Applicant’s Advertising Materials do not Reflect a Functional Purpose for Applicant’s Product Design

In certain instance, an applicant’s advertisements which tout the utilitarian advantages of product’s design can be used to support a finding of functionality. *In re Morton-Norwich Products, Inc.* 671 F.2d 1332, 1340-41. However in some cases, statements in advertising that suggest a utilitarian advantage can be explained as mere “puffing” or such advertising can be outweighed by other factors militating against functionality. In the present case, most of Applicant’s advertising materials concerning the applied-for configuration mark, particularly the products’ descriptions, do not have specific mention of Applicant’s “wavy ridge” design being inherently functionally superior to other similar designs for “exercise hoops.” For example, the following text is seen in Applicant’s website:

“The Power hoop is the most advanced design that is made with dual softness engineered plastic; it does not have any foam rubber padding. It has a soft rubber on the inside half of the hoop and plastic on the outside half. The Power hoop also has ridges on the inside lining of the hoop. It is recommended for experienced users. The Power hoop also comes in either a box or a carrying case.”

“The ACU hoop is made from plastic and is covered in foam rubber padding. It has ridges on the inside lining of the hoop. Acu Hoops [weighed] 3 lb. to 5 lb. for adult exercise and workout purpose. Acu Hoops have patented ridges design and all sizes are most popular item in the world.”

“The Wavy Hoop is mostly popular with children and teenagers exercise and playing. It is made from plastic with no foam rubber padding and has ridges on the inside lining of the hoop. The Wavy Hoop comes in a 1 lb. and 2 lbs.”

See Exhibit 2.

Although Applicant’s website does mention the ornamental design feature of the “wavy ridges,” it is only to the extent that “The Power hoop has ridges on the inside half of the hoop and plastic on the outside half.” This sentence merely describes the physical design of Applicant’s product, it does not tout any perceived “utilitarian advantage” of Applicant’s “wavy ridges” design. It would be akin to Applicant describing the decorative colors of its hoop product, i.e., describing the “look” of this design aspect without stressing any of its alleged

functional advantages. This is also true for Applicant's packaging, which makes no mention of any alleged utilitarian advantages of Applicant's product design. See Exhibit 3.

Even to the extent that any of Applicant's references in advertisements suggest a utilitarian advantage to its "wavy ridge" design, this would be at worst akin to the mere "puffing" as described in the case of *In re Weber-Stephen Prods. Co.*, 3 USPQ2d 1659, 1665 (TTAB 1987). In that case, the Weber Grill company was attempting to obtain a registration for the round shape of its grills. In one of its' advertising booklets, there was the following text: "It's round for a reason! Forget the rotisserie and electric cord that ordinary grills need! Round means rotate the heat, not the meat. Cook faster, more evenly, and save energy." See *In re Weber-Stephen Prods. Co.*, at 1665. In evaluating these materials, the Board noted that such statements "certainly seem to suggest that there is a utilitarian advantage to the round shape of applicant's grill bowl." But regardless, the Board went on to note that however "we cannot say these statements necessarily indicate that the shape of applicant's involved grill bowl is functionally superior to other grill bowls which are round but which nevertheless have shapes which differ from the shape of applicant's grill bowl, as, for example, round bowls which are not as deep as applicant's, or bowls which are circular with a flat bottom." See *In re Weber-Stephen Prods. Co.*, at 1665.

Here, although some of Applicant's prior advertisement materials did mention the ridges designed inside the hoop makes the hoop easier to stay on the body, those statements are at worse merely "puffing". In actuality, the ridges do not serve such function. As many users recognize, to which Applicant agrees, the weight of the hoop or a larger diameter hoop makes the hoop easier to swing, keeps the momentum going, and therefore helps the hoop stay on the body.

See Exhibit 4. The vast majority of Applicant's advertising and marketing materials, including those used at present, reflect no utilitarian advantage for this product configuration. Even if some of Applicant's prior advertising materials did briefly mention such feature, it should only be considered as merely puffing and other factors should be considered in light of the totality of the circumstance to support registration of Applicant's proposed mark.

iii. Alternative Designs are Available to Competitors

The third factor from the *Morton-Norwich* decision is the availability to competitors of functionally equivalent designs. This factor is focused on the availability of other design alternatives. It is also important to show that competing designs work as well, and that they are equally cost efficient. See *in re Edward Ski Prods., Inc.*, 49 USPQ2d 2001, 2004 (TTAB 1999.) Here, Applicant submits a number of designs sold by competitors which are available in the marketplace, each of which would achieve the same "function" as Applicant's design. See Exhibit 5. A review of some of these designs even reveals the presence of other types of "ridges" and/or protrusions onto the inner part of the exercise hoop. Similar hoops with alternative designs are selling on average, \$ 35.00 (varies from \$17.93 - \$53.95) by competitors in the market. These price points are approximately the same as for Applicant's product, which retails for approximately \$31.00. See attached Declaration of LIN KUN YUAN. It should also be noted that an array of alternative "exercise hoop" designs can achieve the same function as Applicant's design, some of which have a heavier weight and/or larger diameter. Therefore, extending protection to applicant's unique wavy ridges design would not frustrate competition. Several other manufacturers compete successfully in the market without pirating the unique

product configuration of applicant's design and configuration. See *Sunbeam Prods., Inc. v. West Bend Co.* 123 F.3d 246 (7th Cir. 1997).

As was emphasized by the Board *In re Weber-Stephen Prods. Co.*, the availability of a large supply of equally performing alternative designs can weight against a finding of functionality. In the *Weber* decision, the applicant presented as evidence pictures of a large number of barbecue grills of various alternative shapes made by other manufacturers. These included for example, square grills, rectangular grills, and other variety of "rounded" grills. See *In re Weber-Stephen Prods. Co.*, at 1668. In evaluating this evidence, the Board concluded there was no utilitarian advantage to round grills and that the evidence of a variety of alternative grill configurations supported the finding of nonfunctionality. See *Id.* This is also the case here, where there are numerous other alternative "exercise hoop" configurations available in the marketplace. As in the *Weber* decision, this is strong evidence of non-functional nature of Applicant's product design.

iv. Applicant's Design is Not of Simple or Inexpensive Method of Manufacture

The fourth factor from the *Morton-Norwich* decision concerns facts indicating whether the design at issue results in a comparatively simple or cheap method of manufacturing the product. The purpose of this factor is to prevent one company from appropriating a design feature that offers manufacturing economy or efficiency. See *In re Peters*, 6 USPQ2d 1390, 1392 (TTAB 1988).

Here, the manufacture/material costs of the wavy-ridges exercise hoops at issue are more expensive than the plain-pipe exercise hoops Applicant sells. For example, a 4-pound medium-sized wavy ridges hoop costs \$9.25 (material costs only) to manufacture and is selling for \$31.00

on Applicant's website. A similar 4-pound medium-sized exercise hoop without the wavy ridges (plain-pipe hoop) costs \$8.93 (material costs only) to manufacture and is selling for \$30.00 on Applicant's website. Applicant notes that a similar hoop with alternative designs are selling on average, \$ 35.00 (varies from \$17.93 - \$53.95) by competitors in the market. See attached Declaration of LIN KUN YUAN. Although Applicant does not know the exact manufacture costs of his competitors, Applicant states that the manufacture costs and process are very similar to Applicant's manufacture costs and process. In conclusion, the unique wavy-ridges design of Applicant's exercise hoop does not result from a comparatively simple or cheap method of manufacturing. In fact, the wavy ridges design hoops are more expensive than the plain pipe exercise hoops. Thus, extending protection to Applicant's design and configuration of the goods will not frustrate competition in the market by forcing competitors to use a more expensive and/or complex manufacture process.

In sum, Applicant's design mark satisfies all of the *Morton-Norwich* factors listed above, and is not functional in nature. Instead, Applicant's Mark is worthy of trademark protection, as it acts as a valuable source identifier for Applicant's product line. Applicant has expended substantial sums in attempting in the marketing of its design mark. Such protection will also prevent competitors from taking a "free ride" on Applicant's goodwill and reputation for such products.

B. Mark Description for Configuration

The Examining Attorney has deemed Applicant's description of its mark to be "not clear and concise." Applicant hereby asserts that the following description should qualify as being "clear and concise," and requests the following amendment to its description of the mark:

The mark consists of the configuration of the goods, namely a circular exercise hoop, with the unique shape of the wavy ridges on the inner circumference of the exercise hoop.

C. Conclusion:

Given the foregoing, Applicant respectfully requests that the functionality refusal be reversed, and that Applicant's proposed amendment to the description of goods be accepted, and that Applicant's mark proceed to publication on the Principal Register under the original recitation of goods in International Class 28.

Respectfully,

Lin, Kun Yuan

/Alfred H. Chan/

By: Alfred H. Chan, Esq.

Title: Attorney for Applicant

Shen & Chan APLC

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Arcadia, CA 91007

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Fax: (626) 821-8746

Dated: February 20, 2012

FAX

The
United
States
of
America



The Commissioner of
Patents and Trademarks

Has received an application for a new, original, and ornamental design for an article of manufacture. The title and description of the design are enclosed. The requirements of law have been complied with, and it has been determined that a patent on the design shall be granted under the law.

Therefore, this

United States Patent

Grants to the person(s) having title to this patent the right to exclude others from making, using, offering for sale, or selling the design throughout the United States of America, or importing the design into the United States of America for the term of fourteen years from the date of grant of this patent.

Bence Lehman

Commissioner of Patents and Trademarks

Ellie M. Person

Attest



United States Patent [19]

Lin

[11] Patent Number: Des. 399,969

[45] Date of Patent: **Oct. 20, 1998

[54] MASSAGE HOOP

[76] Inventor: Kun-Yuan Lin, No. 64, Alley 31, Sec. 1, Tantzai St., Tantzai Taichung, Taiwan, 42075

[**] Term: 14 Years

[21] Appl. No.: 73,285

[22] Filed: Jul. 24, 1997

[51] LOC (6) Cl. 24-04

[52] U.S. Cl. D24/200

[58] Field of Search D24/200, 211;
 601/121, 119, 132, 133; 446/213, 217,
 236

[56] References Cited

U.S. PATENT DOCUMENTS

305,140	9/1884	Bradley	
3,190,032	6/1965	Green et al.	446/213
3,957,039	5/1976	Ehren	601/132
4,052,982	10/1977	Ozeryansky	601/121
4,380,885	4/1983	Komagata	

4,718,409 1/1988 Gerslov et al.
 5,083,964 1/1992 Arad et al.

FOREIGN PATENT DOCUMENTS

553 482 6/1931 Germany.

Primary Examiner—Stella Reid
 Attorney, Agent, or Firm—Bacon & Thomas

[57] CLAIM

The ornamental design for a massage hoop, as shown and described.

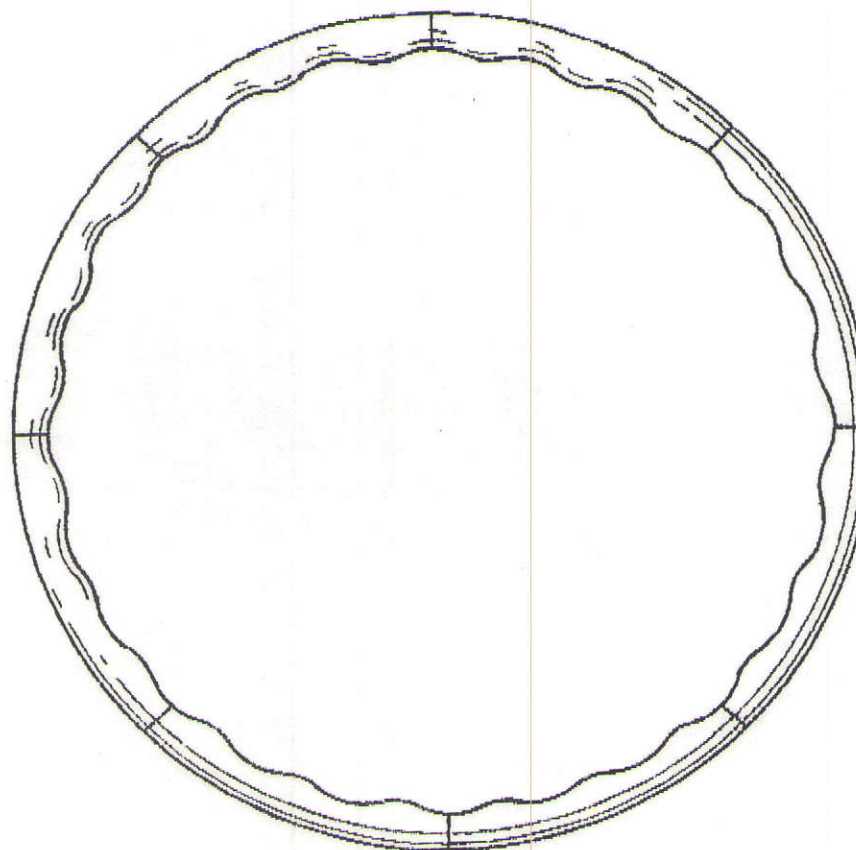
DESCRIPTION

FIG. 1 is a front elevational view of a massage hoop, showing my new design, the rear elevational view being identical;

FIG. 2 is a side elevational view thereof, with all other sides being identical to that shown; and,

FIG. 3 is a perspective view thereof, in use condition; the broken line showing of the person is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 1 Drawing Sheet



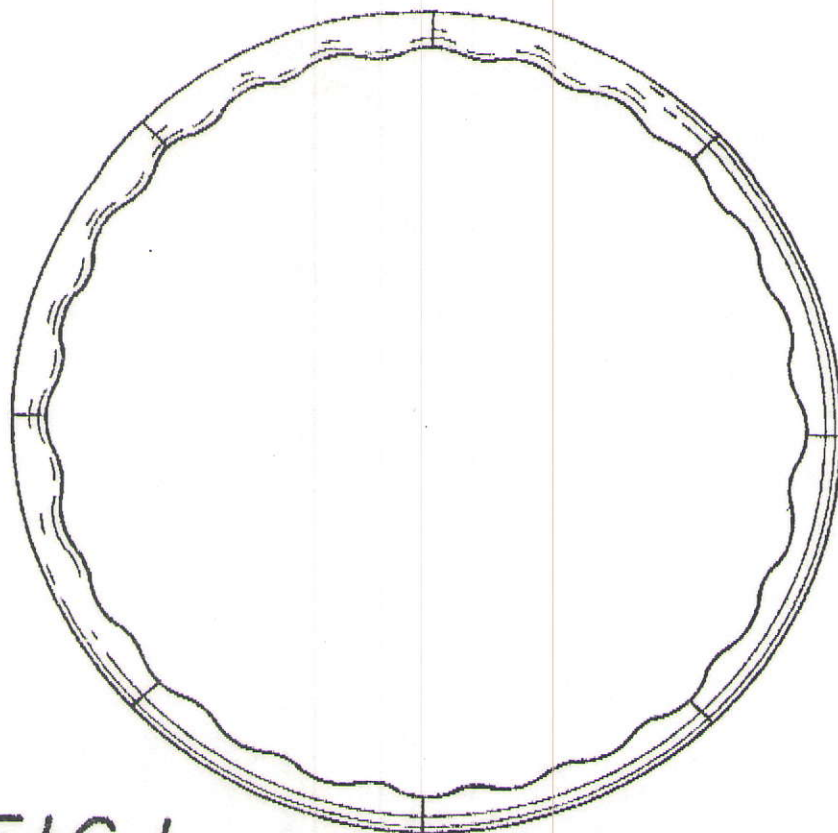


FIG. 1



FIG. 2

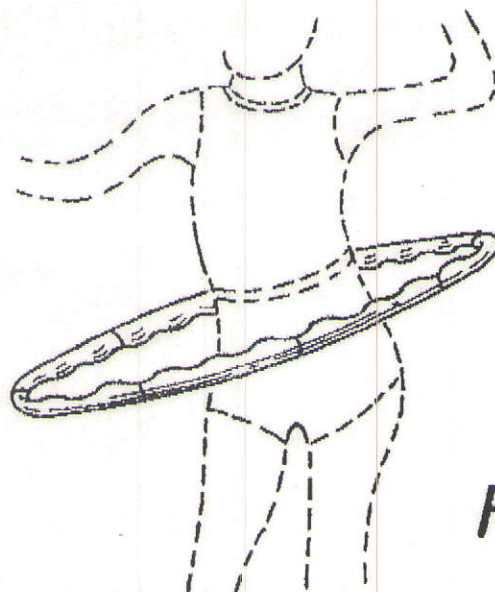


FIG. 3



Weighted Sports Hula Hoops

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Home
Sports Hula Hoops
Slimming Aid Products
Body Shaper and Belt
Weight Loss Tea

How to Choose the Right Item
Acu Hoop
Power Hoop
Trim Hoop
Wavy Hoop
DIY Hoop
5 lb. Hoops for workout
4 lb. Hoops for Workout
3 lb. Hoops for Exercise
1-2 lb. Hoops for Dancing & Playing
Arm Hoop, DVD and Accessories
Product List & Specification
Using Instructions
Sports Hoop Feature
Frequently Asked Questions
Link to Sports Hoop Club

Power Hoop

The Power hoop is the most advanced design that is made with dual softness engineered plastic; it does not have any foam rubber padding. It has a soft rubber on the inside half of the hoop and plastic on the outside half. The Power hoop also has ridges on the inside lining of the hoop. It is recommended for experienced users. The Power hoop also comes in either a box or a carrying case.

◀ 1 ▶

Sort By:



Power Hoop 4C - 4 lb. large size, with carrying case

For adult weighing 100 to 200 lb., dia. 41", pipe 1.3"- 1.8" wavy ridges.

Regular Price: \$52.00

Promotion: \$43.00

[See Details & Buy](#)



Power Hoop 4B - 4 lb. large size, box package

for adult weighing 100 to 200 lb., dia. 41", pipe 1.3"- 1.8" wavy ridges

Regular Price: \$43.00

Promotion: \$36.00

[See Details & Buy](#)



Power Hoop 5C - 5 lb. large size, with carrying case

for adult weighing 120 to 300 lb., dia. 41.0", pipe 1.3"- 1.8" wavy ridges

Regular Price: \$56.00

Promotion: \$46.00

[See Details & Buy](#)



Power Hoop 5B - 5 lb. large size, box package

for adult weighing 120 to 300 lb., dia. 41.0", pipe 1.3"- 1.8" wavy ridges

Regular Price: \$47.00

Promotion: \$39.00

[See Details & Buy](#)

◀ 1 ▶

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Sports Hoop Inc.
City of Azusa
California USA
Toll Free Number:
1-866-7005668
sportshoop@aol.com

Office Hours: Mon.- Fri.
8:00AM-5:00PM PST
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Weighted Sports Hula Hoops

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Weight Loss Tea

How to Choose the Right Item
Acu Hoop
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DIY Hoop
5 lb. Hoops for workout
4 lb. Hoops for Workout
3 lb. Hoops for Exercise
1-2 lb. Hoops for Dancing & Playing
Arm Hoop, DVD and Accessories
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Using Instructions
Sports Hoop Feature
Frequently Asked Questions
Link to Sports Hoop Club



Sports Hoop Inc.
City of Azusa
California USA
Toll Free Number:
1-866-7005668
sportshoop@aol.com

Office Hours: Mon.- Fri.
8:00AM-5:00PM PST
All copyrights reserved.

Acu Hoop

The ACU hoop is made from plastic and is covered in foam rubber padding. It has ridges on the inside lining of the hoop. Acu Hoops weighted 3 lb. to 5 lb. for adult exercise and workout purpose. Acu Hoops have patented ridges design and all sizes are most popular item in the world.

◀ 1 ▶

Sort By:



Acu Hoop 5L - 5 lb. large size

for adult weighing 120 to 300 lb., dia. 41.5", pipe 1.3"- 1.8" wavy ridges

Regular Price: \$45.00

Promotion: \$37.00

[See Details & Buy](#)



Acu Hoop 4M - 4 lb. medium size

for user weighing 100 to 200 lb., dia. 40.0", pipe 1.0"- 1.5" wavy ridges

Regular Price: \$38.00

Promotion: \$30.00

[See Details & Buy](#)



Acu Hoop 4MS - 4 lb. medium small size

for user weighing 100 to 200 lb., dia. 38.0", pipe 1.0"- 1.5" wavy ridges

Regular Price: \$38.00

Promotion: \$30.00

[See Details & Buy](#)



Acu Hoop 3L - 3 lb. large size

for adult weighing 100 to 160 lb., dia. 41", pipe 1.3"- 1.8" wavy ridges

Regular Price: \$35.00

Promotion: \$29.00

[See Details & Buy](#)



Acu Hoop 3M - 3 lb. medium size

for adult weighing 100 to 160 lb., dia. 38", pipe 1.3"- 1.8" wavy ridges

Regular Price: \$35.00

Promotion: \$28.00

[See Details & Buy](#)



Acu Hoop 2S - 1.5 lb. small size

for children weighing 40 to 80 lb., dia. 35.5", pipe 1.2"- 1.7" wavy ridges

Regular Price: \$25.00

Promotion: \$19.00

[See Details & Buy](#)

Exhibit 2



Acu Hoop 4L - 4 lb. large size
for user weighing 100 to 200 lb., dia. 41.5", pipe 1.5"- 2.0 "
wavy ridges

Regular Price: \$40.00

Promotion: \$32.00

[See Details
& Buy](#)



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Weighted Sports Hula Hoops

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Slimming Aid Products
Body Shaper and Belt
Weight Loss Tea

How to Choose the Right Item
Acu Hoop
Power Hoop
Trim Hoop
Wavy Hoop
DIY Hoop
5 lb. Hoops for workout
4 lb. Hoops for Workout
3 lb. Hoops for Exercise
1-2 lb. Hoops for Dancing & Playing
Arm Hoop, DVD and Accessories
Product List & Specification
Using Instructions
Sports Hoop Feature
Frequently Asked Questions
Link to Sports Hoop Club

Wavy Hoop

The Wavy Hoop is mostly popular with children and teenagers exercise and playing. It is made from plastic with no foam rubber padding and has ridges on the inside lining of the hoop. The Wavy Hoop comes in a 1 lb. and 2 lbs. Shipping Charge is real-time calculation based on package weight.

Sort By: Price



Wavy Hoop 1 lb. small size
for children weighing under 60 lb., dia. 36", pipe 1.0" - 1.5" wavy ridges

Regular Price: \$13.00
Promotion: \$8.00



Wavy Hoop 2 lb. large size
for teenager weighing 60 to 100 lb., dia. 40.5", pipe 1.2" - 1.7" wavy ridges

Regular Price: \$19.00
Promotion: \$12.00

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Sports Hoop Inc.
City of Azusa
California USA
Toll Free Number:
1-866-7005668
sportshoop@aol.com

Office Hours: Mon.- Fri.
8:00AM-5:00PM PST
All copyrights reserved.

Exhibit 2

1 of 1

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ACU HOOP

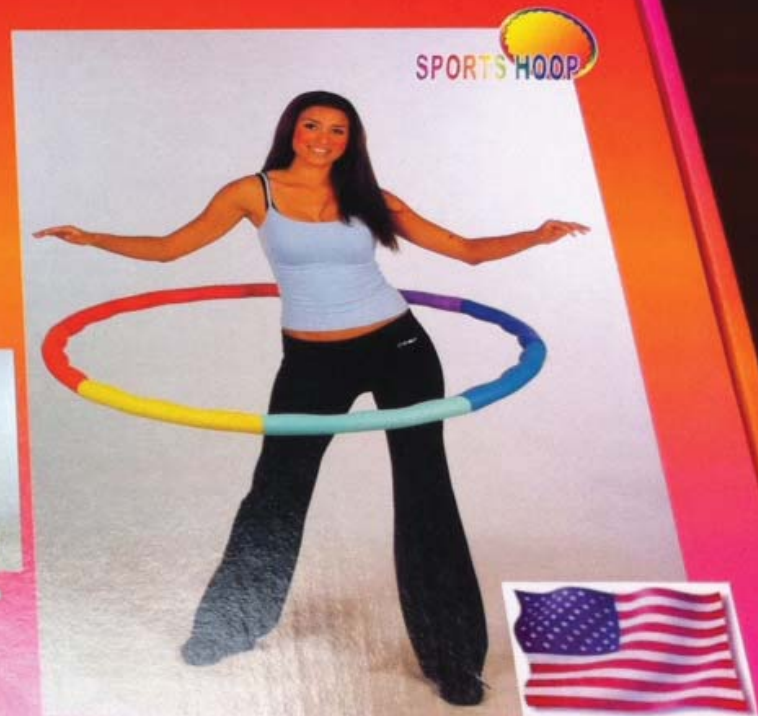
4 lb. - medium

For adult users weight 100-200 lbs.
Slim your waist fast and easy

New generation hoop for workout fitness
Slim your waist and legs, fast and easy
Play 10 minutes only, twice a day
Trim your waist 2 inches monthly until fit



Sports-Hoop.com



ACU HOOP

4 lb. - medium

For adult users weight 100-200 lbs.
Slim your waist fast and easy

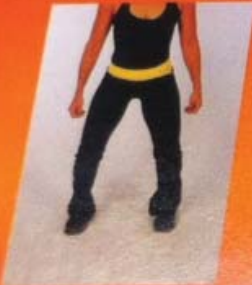


SLIM & FUN

Sports-Hoop.com

Exercise Instructions --steps for beginner

1. Find enough space around.
Spread your feet apart approximately
one foot. Relax your knee and body



2. Relax your elbow. Hold the
Sports Hoop tightly against
the back of your waist.



3. Keep the hoop in a horizontal
position before swinging outward.
Do not position the hoop at a tilt.



4. Horizontally swing the hoop outward
against waist, fast and powerfully.
Move your waist immediately.



5. Move your waist in any one
direction against the hoop.



6. Keep your body motion fast
enough for the hoop to remain
in position.



CAUTION to new users of the Sports Hoop:

Due to the strong impact directed upon the abdominal and other body muscles.
Some new users may experience muscle soreness or bruising in the first two weeks of use.

Suggested use for new users:

* 1-3 minutes only per day during the first week.

* 3-5 minutes daily during the second week.

* 5-10 minutes daily after two weeks, no more than two times a day.

Over exercise for new users may cause bruising in the first two weeks.

Please start with gentle exercise. If bruising continues after the first two weeks please
consult your doctor for suggestions of the right use of this product.

WARNING:

Pregnancy, cancer, spinal injuries and general poor health are contraindications
for using this product. Use of the Sports Hoop is prohibited under any of these
circumstances as its misuse of this product may cause serious injuries.

If you suffer from health problems, please consult with
your health care professional prior to use.

Do not use more than 20 minutes at a time.

Do not use more than three times in one day.

Misuse of this product may cause serious injury.

After assembly
Diameter: 40.0 inch
Pipe: 1.25 - 1.75 inch



ACU HOOP 4 lb - Medium Box



5 91508 00101 5



US Patented Design #D399969



Better shape
Better life



Sports-Hoop.com

Exercise Instructions --steps for beginner

1. Find enough space around.
Spread your feet apart approximately
one foot. Relax your knee and body



2. Relax your elbow. Hold the
Sports Hoop tightly against
the back of your waist.



3. Keep the hoop in a horizontal
position before swinging outward.
Do not position the hoop at a tilt



4. Horizontally swing the hoop outward
against waist, fast and powerfully.
Move your waist immediately



5. Move your waist in any one
direction against the hoop.



6. Keep your body motion fast
enough for the hoop to remain
in position.



CAUTION to new users

Due to the strong impact direct

Some new users may experie

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* 3-5 minutes daily during the

* 5-10 minutes daily after two w

Over exercise for new users m

Please start with gentle exerci

consult your doctor for sugges

WARNING:

Pregnancy, cancer, spinal inju

for using this product. Use of

circumstances as its misuse

If you suffer from health prob

your health care professiona

Do not use more than 20 min

Do not use more than three t

Misuse of this product may c

After assem
Diameter 40.
Pipe : 1.25 - 1.

ACU HOOP 4 lb. - Medium/Box



8 91508 00101 5



US Patented Design #D3

EXHIBIT 3

Color box printed in Taiwan

beginner

the hoop in a horizontal
before swinging outward
position the hoop at a tilt.



body motion fast
the hoop to remain



CAUTION to new users of the Sports Hoop:

Due to the strong impact directed upon the abdominal and other body muscles.
Some new users may experience muscle soreness or bruising in the first two weeks of use.
Suggested use for new users:

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- * 3-5 minutes daily during the second week.
- * 5-10 minutes daily after two weeks, no more than two times a day.

Over exercise for new users may cause bruising in the first two weeks.
Please start with gentle exercise. If bruising continues after the first two weeks please
consult your doctor for suggestions of the right use of this product.

WARNING:

Pregnancy, cancer, spinal injuries and general poor health are contraindications
for using this product. Use of the Sports Hoop is prohibited under any of these
circumstances as its misuse of this product may cause serious injuries.

If you suffer from health problems, please consult with
your health care professional prior to use.

Do not use more than 20 minutes at a time.

Do not use more than three times in one day.

Misuse of this product may cause serious injury.

After assembly
Diameter 40.0 inch
Pipe : 1.25 - 1.75 inch



**Better shape
Better life**



ACU HOOP 4 lb. - Medium/Box



8 91508 00101 5



US Patented Design #D399969

EXHIBIT 3

Attach structure



Assembly step 1

Join two sections together.
Press down the fastener and
align the notch and plug



Assembly step 2

Push two sections together
tight enough, until the faster
pop out. Pull and check after



Disassembly step 1

Find out the fastener position.
Push down the fastener more
than 1/3 inch depth.



Disassembly step 2

Pull out the next section
while your left thumb pushing
down the fastener.



US Patented Design #D399969

ACU HOOP

4 lb. - medium

For adult users weight 100-200 lbs.
Slim your waist fast and easy



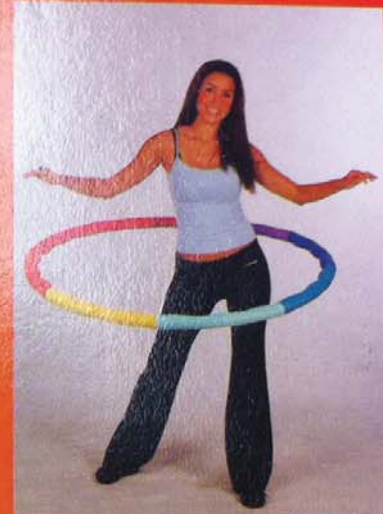
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Trim your waist 2 inches monthly until fit

ACU HOOP

4 lb.- medium

For adult users weight 100-200 lbs.
Slim your waist fast and easy

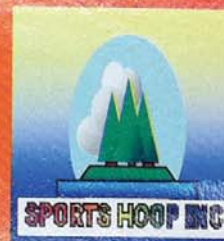


Sports-Hoop.com

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ACU HOOP 4 lb. - Medium/Box



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With Mayo Clinic physical
medicine and rehabilitation
specialist

**Edward R.
Laskowski, M.D.**

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Weighted hula hoops: Hoopla or good exercise?

Do weighted hula hoops provide a good workout, or are they just a gimmick?

Answer

from Edward R. Laskowski, M.D.

Weighted hula hoops can be a good addition to your exercise program, especially if you're able to hula hoop for at least 10 minutes at a time. In fact, any type of hula hooping, with a weighted hula hoop or a regular hula hoop, can help you meet your exercise goals.

Weighted hula hoops are bigger and heavier than traditional hula hoops. You can use a weighted hula hoop as part of an overall fitness program, to add variety to your workouts, or simply as a fun way to get more active. Keep in mind that for most healthy adults, the Department of Health and Human Services recommends getting at least 150 minutes a week of moderate aerobic activity or 75 minutes a week of vigorous aerobic activity.

If you try a weighted hula hoop, use a hula hoop that's the right size for you. The hoop should reach somewhere between your waist and chest when it's resting vertically on the ground. The weight of the hoop is up to you. The smaller and lighter the hoop, the more energy it takes to keep the hoop going. But the bigger and heavier the hoop, the easier it is to keep going, which means you may be able to do it for a longer period of time. You can experiment with different hoops to see which kind and size you prefer. Weighted hula hoops are available at many sporting goods stores and online retailers, and even at some fitness clubs.

Check with your doctor before using any kind of hula hoop if you have medical concerns, especially a history of back problems. And as with any physical activity, stop hula hooping and consult your doctor if you develop pain or other symptoms.

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Weighted Sports Hula Hoop for Weight Loss - Wavy Hoop 2B 2 lb. Bagged - No Sponge Item Review

By [diningchairslipcover](#) on January 7, 2011 | From [cheapexercise-equipment.blogspot.com](#)



I've tried at least 6 different models of hoops in the last few years. Most of them work -- they spin on my waist, they look nice. Heavier ones are easier to keep up, lighter ones are easier to move up and down my body if I'm feeling ambitious. But the ridges...they just hurt. It baffles me that people not only buy these hoops, but continue to use them despite their abusive nature. I had a fist-size purple bruise on my waist/pelvis after using this stupid hoop for 5 minutes. Every time it spins, it punches you in the stomach and then the back...on repeat...until you can't take the pain anymore.

If you want extra weight in your hoop just get one from Philthy Hoops or Troo Hoops -- anything over 1 lb is enough to give you a workout. If you're having trouble keeping the hoop up, you don't need ridges, you need either a heavier hoop (again, try to go over 1 lb...but anything over 2lb is just going to slow the hoop down and decrease the cardio aspect of the workout) or a larger diameter hoop. I found a 42-44" hoop at about 1 1/2 lbs was the easiest when I first started hooping, and as I got better, I switched to a 39" hoop that was maybe 1 1/4 lbs for a faster workout. My tummy is seriously defined from hooping about 5-15 minutes a day, 2x a week for the last few months. The muscle definition was noticeable after the first couple of weeks, and now I just hoop for the cardio, and to maintain the muscle definition.

to recap -- do NOT buy a hoop with ridges. Do NOT buy this hoop. It is a gimmick, and a seriously painful one at that. Who cares if the pain goes away with time...there was never a reason for it. Get a normal, adult-size hoop (38-44", 1-2 lb) and you'll get plenty of exercise minus the regular punches to the gut.

[Click Here](#) to see more reviews about: **Weighted Sports Hula Hoop for Weight Loss - Wavy Hoop 2B 2 lb. Bagged - No Sponge Item**

Product Description:

Sports hoops are different to traditional small hula hoop. Sports Hoops are big and heavier, designed to enhance adult and teenage fitness workouts. This item features: * Item for teenage user weighing 60 lbs to 100 lbs. * Product dimension: Diameter 40.5" / pipe 1.2"- 1.7" wave * Big size but light weight. Smooth impact to your body. * Unique wavy ridges design inside the hoop makes the hoop easier to stay on your body. We are Sports Hoop worldwide patent owner. US patent number #D399969 . We are original manufacturer and exclusive distributor. Please call toll free 1-866-700-5668 for any help. Office hour: Mon.-Fri. 8:00 am to 5:00pm pacific time. Sports Hoop Inc. 730 N Todd Ave., Azusa, CA 91702 Toll free: 1-866-700-5668 Tel: (626) 387-6027 Fax: (626) 387-6028



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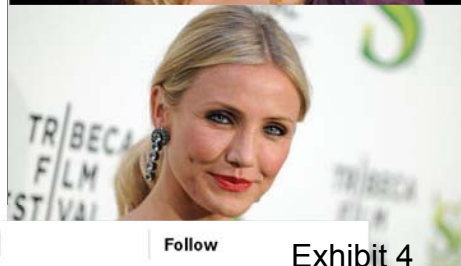
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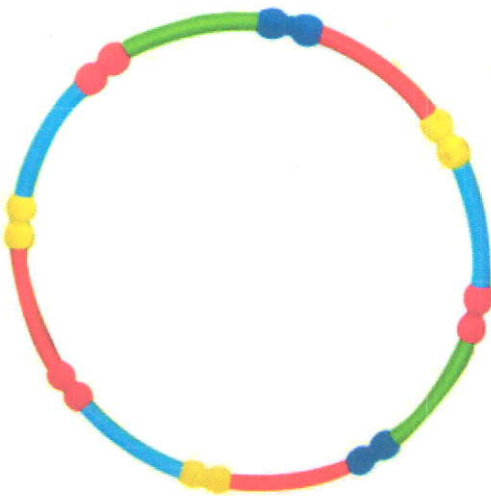
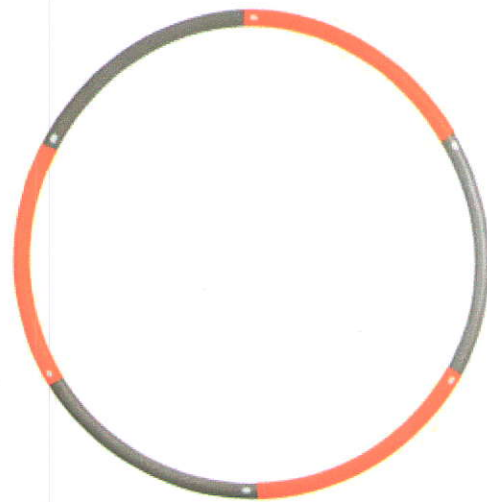
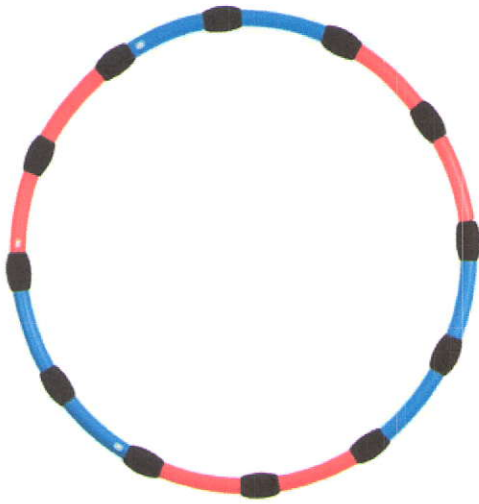
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Jemimah Health Hula(Hoola) Hoop II-Weighted/Exercise/Sports

by [Jemimah Health Hoola hoop](#)

(4 customer reviews)

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[Weighted Sports Hula Hoop for Weight Loss - Acu Ho...](#) by Sports Hoop
(174)

\$38.80

Product Features

- Having Zigzag Air Cushion projections(softer) in each of which magnet is built.
- Exercise with the hoop stimulates acupressure points of the waist and the abdomen sufficiently, havi
- Elastic projections prevents the hoop from going downward during exercise, for which everyone can en
- Having an 8-component structure ensuring easy assembly and disassembly & Having many effects of exer

Product Description

Product Description

<Assembly Method> Press the one touch button on the body, and assembly orderly according to appropriate colors. One who first experiences exercise with the hoop or feels strongly pressed by its projections can enjoy the exercise smoothly by attaching sponge stickers inside the projections. <Caution for Use> Those who use the hoop first may have some bruise, pain or itch on the abdomen or the waist due to massaging and pressing by projection of the product. ? In this case, wear a training uniform and the

Exhibit 5

strength of exercise. Be careful not collide with children or objects around you during exercise. Do not use the hoop if you are a pregnant woman or an old and feeble person or if your joints, back or waist is not in good condition. Do not disassemble the projections. ? The color of the product is subject to change.

Product Details

Shipping Weight: 5 pounds ([View shipping rates and policies](#))

ASIN: B000VXW07I

Average Customer Review: (4 customer reviews)

Amazon Bestsellers Rank: #8,219 in Sports & Outdoors ([See Top 100 in Sports & Outdoors](#))

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Read the bad reviews!, October 24, 2008

By [DCR](#) (Florida) - [See all my reviews](#)

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This review is from: Jemimah Health Hula(Hoola) Hoop II-Weighted/Exercise/Sports (Misc.)

This was painful with use as well as returning for refund. I did not get fully refunded. I paid my own shipping and returned exactly how the item was sent to me(which was obviously already returned by another customer) I guess they are making money sending the same hula hoop which keeps being returned to them and charging restocking fee. No fitness product should bruise you to get in shape!

I can accept muscle soreness. My 23 year old daughter tried it with terrible complaints. We are both in excellent physical shape and since then been using 5lb weighted (different brand)hula hoop without problems and great results while having fun. I WOULD NEVER RECCOMEND the Jemimah Health Hula(Hoola) Hoop II

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Try it, it works!!!, January 9, 2009

By [Vladimir Belyaev "VB"](#) (NYC) - [See all my reviews](#)

This review is from: Jemimah Health Hula(Hoola) Hoop II-Weighted/Exercise/Sports (Misc.)

I have this hoop for more than 2 years, and it works for me, at first times when i was using it left bruises (black and blues)... but after 5 times of everyday use i dint even feel the pain anymore, because yor stomach gets used to it. Trust this hoop after two weeks of use you will see the results =), i do it before i go to sleep.

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2 of 2 people found the following review helpful:

Read the instruction before you start and yes, no pain, no gain!, June 24, 2010

By [S. Chuang "Mammy to be"](#) (NYC, USA) - [See all my reviews](#)

This review is from: Jemimah Health Hula(Hoola) Hoop II-Weighted/Exercise/Sports (Misc.)

The first day when I tried it, it hurt so much! I tried the next day, hurt even more!

Then I decided to put a postpartum belt around my waist, and it was ok.

after a week of using it, I can use it without any protection but just a T-shirt.

This hoola hoop is very easy to use and once you get used to it, it doesn't hurt anymore

It always hurt a bit when you start a new exercise, so it is just a matter of getting through the first few days.

Well built product - I highly recommend this product to anyone who understands the process and is committed to go through the uncomfortness for the first week!

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3 star: (0)
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Average Customer Review
([2 customer reviews](#))

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2 of 2 people found the following review helpful:

Not worth the money, April 18, 2011

By

[Jeff Kaiser "audiocableguy.com"](#) (Michigan) - [See all my reviews](#)

Amazon Verified Purchase ([What's this?](#))

This review is from: Bradex Acu-hoop Pro Massaging Exerciser with Magnet (Black) (Sports)

I am not happy with this hoop at all like the person above said you

Exhibit 5

don't have any direction as to how to put it together properly, it is the most painful hula hoop I've ever used, it is made out of hard plastic that leaves bruises on you..the massaging ball things, one has already broke and I haven't even had it a week. If you call customer service all you get is a voicemail. And the worst thing I purchased this last mon for like \$40 it was a total of \$50 with shipping and now here I am today and it's only \$17..still don't think it is even worth that..This hoop sucks!

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Was this review helpful to you?

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2 of 2 people found the following review helpful:

irritated, April 14, 2011

By [Aleda](#) - [See all my reviews](#)

This review is from: **Bradex Acu-hoop Pro Massaging Exerciser with Magnet (Black) (Sports)**

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This is so far the worst hoop because the directions do not tell you how many magnets to put in each ball, they don't give you extra balls nor magnets and AGAIN THEY DON'T GIVE YOU DIRECTIONS TO ASSEMBLE CORRECTLY....i am very irritated and upset, i bought two of these and have received no responses to help me put this together correctly. At this point I would appreciate a response and directions in detail about how many magnets in each ball and thus putting my hoop I have been dying to use together????????

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J Fit Adjustable Weighted Hula Hoop, 3-Pound

by [JFIT](#)

([2 customer reviews](#)) |

(0)

Price: **\$34.95** & this item ships for **FREE** with
Super Saver Shipping. [Details](#)

In Stock.

Ships from and sold by **Amazon.com**. Gift-wrap available.

Only 5 left in stock--order soon (more on the way).

Want it delivered Tuesday, May 10? Order it in the next **65 hours and 50 minutes**, and choose **One-Day Shipping** at checkout. [Details](#)

Quantity:



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Special Shipping Information: Currently, item can be shipped only within the U.S. and to APO/FPO addresses. For APO/FPO shipments, please check with the manufacturer regarding warranty and support issues.

Customers Who Bought This Item Also Bought



Weighted Arm Hula
Hoops by Canyon

\$25.00

Buy This Product and Related Items



**J Fit Adjustable
Weighted Hula
Hoop, 3-Pound**

\$34.95



Oh No! Fitness Equipment
Protection Plan: Express
Replacement via
Amazon.com...

\$15.99

In Stock from [National
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Weighted Arm Hula Hoops

\$25.00

from [Canyon Hoops.](#)

Exhibit 5

Product Features

- Easy adjustable hoop design
- Reduce the hoop size to add difficulty
- Up to 6 sections snap together
- A fun way to burn calories
- Padded massaging nodules

Product Description

Product Description

The J Fit Adjustable Weighted Hula Hoop 3 lbs has padded massaging nodules to help tone hip and stomach muscles, burn calories, and get an excellent aerobic workout. The smaller the hoop the more difficult the workout. This is a fun way to burn calories and add variety to your workout routine.

Product Details

Shipping Weight: 3.6 pounds ([View shipping rates and policies](#))

Shipping: Currently, item can be shipped only within the U.S. and to APO/FPO addresses. For APO/FPO shipments, please check with the manufacturer regarding warranty and support issues.

Shipping Advisory: This item must be shipped separately from other items in your order. Additional shipping charges will not apply.

ASIN: B003YZ1PZC

Item model number: 10-6000

Average Customer Review: ([2 customer reviews](#))

Amazon Bestsellers Rank: #64,102 in Sports & Outdoors ([See Top 100 in Sports & Outdoors](#))

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[J fit weighted hula hoop](#)

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[Weighted Hula Hoops](#)

[www.canyonhoops.com](#) - Canyon **Hula Hoops** & Arm **Hoops** DVDs, size/weight selection guide

[Hula Hoop Fitness](#)

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Weighted 3 lb Cardio
Hoop Portable No Ridge
Hula H... by Sports Hoop
(2)
\$22.94



Weighted DIY Hula
Hoop - 2 lb. 42 inch,
Detachable... by Sports
Hoop
(3)
\$21.00



Marlon Creations Hip
Hoops Set by Marlon
(2)
\$29.24



Weighted Sports Hula
Hoop for Weight Loss -
Trim H... by Sports Hoop
(39)
\$34.20

Exhibit 5

Customer Reviews

2 Reviews

5 star: (0)
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[2 star:](#) (1)
1 star: (0)

Average Customer Review

([2 customer reviews](#))

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2 of 2 people found the following review helpful:

Broke on the 3rd day, January 18, 2011

By [yulia s](#) - [See all my reviews](#)

Amazon Verified Purchase ([What's this?](#))

This review is from: J Fit Adjustable Weighted Hula Hoop, 3-Pound (Sports)

Pros: the item arrived quickly.

Cons: it broke on the third day of use! also, this hoop was too heavy for me. One thing that is not mentioned in the item description, is that it's not a regular hoop, but it bends.

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1 of 1 people found the following review helpful:

Just as represented., February 19, 2011

By [S. Lawton](#) (Bellingham, WA) - [See all my reviews](#)

Amazon Verified Purchase ([What's this?](#))

This review is from: J Fit Adjustable Weighted Hula Hoop, 3-Pound (Sports)

This hoola hoop was exactly what I expected. It was very easy to assemble. Not sure why anyone would say otherwise. The only problem is with me, the user. I am so out of shape that I haven't yet successfully held it in motion. it is much, much harder than the ultra light-weight ones of my youth.

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Passion Hula(Hoola) Health Hoop - Weighted/Exercise/Sports

by [Passion Hula Health Hoop](#)

([4 customer reviews](#))

(5)

Price: **\$53.95**

In Stock.

Ships from and sold by [Wanna Beautiful](#).

Only 3 left in stock--order soon.

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Bigger, bolder, and edgier, the [Zumba Fitness Exhilarate DVD Set](#) combines raw energy with cutting-edge design for an exhilarating journey. [Shop now.](#)

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Price For All Three: **\$83.30**

These items are shipped from and sold by different sellers. [Show details](#)

- ☒ **This item:** Passion Hula(Hoola) Health Hoop - Weighted/Exercise/Sports by Passion Hula Health Hoop **\$53.95**
- ☒ Sports Hula Hoop for Workout - ARMHOOP 200 - box 200gram by Sports Hoop **\$18.50**
- ☒ Hooping: A Revolutionary Fitness Program (Book & DVD) by Christabel Zamor Paperback **\$10.85**

Customers Who Bought This Item Also Bought

Page 1 of :



Sports Hula Hoop for Workout - ARMHOOP 200 - box 2... by Sports Hoop

(6)

\$18.50



Jemimah Health Hula(Hoola) Hoop II-Wei... by Jemimah Health Hoola...

(4)

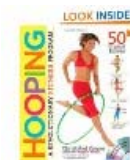
\$36.95



Weighted Sports Hula Hoop for weight loss - Acu Ho... by Sports Hoop

(174)

\$43.40



Hooping: A Revolutionary Fitness Program (Boo... by Christabel Zamor

(32)

\$10.85

Buy This Product and Related Items



Passion Hula(Hoola) Health Hoop - Weighted/Exercise/Sports **\$53.95**

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Exhibit 5

Equipment

Books

Page 1 of 1



Sports Hula Hoop for
Workout - ARMHOOP 200
- box 200gram

(6)

~~\$28.00~~ **\$18.50**

In Stock from [Sports Hoop
& Health Care Products](#).



Weighted Sports Hula
Hoop for weight loss - Acu
Hoop...

(174)

~~\$48.00~~ **\$43.40**

In stock. Processing takes
an additional 2 to 3 days
from [Sports Hoop & Health](#)



Weighted Sports Hula
Hoop for Weight Loss -
Power Hoop...

(6)

~~\$62.00~~ **\$51.40**

In Stock from [Sports Hoop
& Health Care Products](#).

Product Features

- You could have the pressure effect without having any pain from Passion Health Hoop.
- Having bio-ceramic and magnet within anion generated in the inside of appendix and blood circulation
- You could experience the effect on soft massage like touching by hands without feeling any pain from
- For continuous exercise, abdomen fatness solution, constipation prevention and intestine function st
- As an 8-step assembly, Passion Health Hoop is easily assembled and disassembled.

Product Description

Product Description

What is Anion? Anion is atom element of air having(-) electric charge being felt cool in human body from forest, falls or spa. Anion is known for promoting metabolism of cell and increasing energy. It is called as a vitamin of the air having a high effect on Anion making blood cleared, nerve stable and fatigue leased. Beginners should start exercising easy and short period first. Always consult your doctor if you have medical problem before using hula hoop. <Caution for Use> Before you use, please make sure to read the Caution on the box.

Product Details

Product Dimensions: 17.7 x 10.8 x 5.3 inches ; 7.3 pounds

Shipping Weight: 9 pounds ([View shipping rates and policies](#))

ASIN: B000V0H0UW

Item model number: H129

Average Customer Review: ([4 customer reviews](#))

Amazon Bestsellers Rank: #26,457 in Sports & Outdoors ([See Top 100 in Sports & Outdoors](#))

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Weighted Sports Hula
Hoop for Weight Loss -
Acu Ho... by Sports Hoop
(174)

\$38.80



Jemimah Health
Hula(Hoola) Hoop
II-Wei... by Jemimah
Health Hoola...
(4)

\$36.95



Weighted Sports Hula
Hoop for Weight Loss -
Power... by Sports Hoop
(6)

\$51.40



Weighted Sports Hula
Hoop for Weight Loss -
Trim H... by Sports Hoop
(39)

\$34.20

Customer Reviews

4 Reviews

5 star: (3)
4 star: (0)
3 star: (0)
2 star: (1)
1 star: (0)

Average Customer Review
(4 customer reviews)

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18 of 18 people found the following review helpful:

best hula hoop!!, October 12, 2008By [Elena Omirova](#) (Moose Lake, MN, USA) - [See all my reviews](#)

This review is from: Passion Hula(Hoola) Health Hoop - Weighted/Exercise/Sports (Misc.)

This Hula Hoop works great! After first couple times i got few bruises around my waist line. But that was not a big deal. Inches are disappearing from that problem area very quickly. This hula hoop is rather heavy but at the same time it's very easy to hold on your waist. I also used the special rubbery body belt as an extra cushion. I recommend this product!

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1 of 1 people found the following review helpful:

Great hula hoop, November 10, 2010By [petr s morozov](#) - [See all my reviews](#)

Durability: Fun: Educational:

[Amazon Verified Purchase](#) ([What's this?](#))

This review is from: Passion Hula(Hoola) Health Hoop - Weighted/Exercise/Sports (Misc.)

I only used this hula hoop twice since I got it two days ago, first day for 5 minutes and the next day only 3 minutes and my whole body is so sore! I do have bruises around my waist line which is not a concern at all, but I am very pleased to be so sore after using it for less than 10 minutes. I am definitely sticking to this exercise routine! :) it's not as heavy as it sounds and very easy to use. I've been doing crunches and stretches to tone up my stomach area and haven't gotten that sore in a long time and I just don't have time to do a million crunches. This is a great price for a great quality product and great results using this hula hoop for such short time. It was very easy to put it all together. If you want something that will make your core muscles sore after a short time, this is the hula hoop you want! :)

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1 of 1 people found the following review helpful:

Most Recent Customer Reviews

Decent quality but a bit too heavy

this hoop is too heavy and it really hurts while using it...

I could not return it cause it would cause a loss of money on shipping and restocking, ...

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Published 4 months ago by Dave

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Heavy, but nice, October 30, 2010

By [Tosha](#) (USA) - [See all my reviews](#)

Durability:

Fun:

Educational:

Amazon Verified Purchase ([What's this?](#))

This review is from: Passion Hula(Hoola) Health Hoop - Weighted/Exercise/Sports (Misc.)

I like heavy things, but I would take a bit lighter hula hoop. After some practice I like it more and more.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LIN, KUN YUAN

Serial No.: 85065887

Filed on: June 17, 2010

Mark: Product Configuration: Wavy-ridges
Exercise Hoop

Trademark Attorney: Rudy R. Singleton

**DECLARATION OF KUN YUAN LIN,
APPLICANT FOR THE TRADEMARK**

I, the undersigned, declare:

1. I am the Applicant for the applied-for trademark serial number 85065887 and the owner of the company SPORTS HOOP. I have personal knowledge and am familiar with the facts stated below.
2. It is generally known in the sports and fitness industry that exercise hoops with heavier weight and bigger diameter sizes can help the hoop stay on the body better for amateur players.
3. A 4-pound medium-sized exercise hoop with wavy ridges costs \$9.25 per hoop to manufacture (material costs only) and is selling for \$31.00 on my company's website (retail price).
4. A 4-pound medium-sized exercise hoop without the wavy ridges (plain pipe hoop) costs \$8.93 per hoop to manufacture (material costs only) and is selling for \$30.00 on my company's website (retail price).
5. As a result, the manufacture costs and selling price for the wavy-ridges exercise hoops are more expensive.

6. The manufacture process for the wavy ridges exercise hoops and plain pipe hoops are the same, except the injections mold being used for the wavy-ridges exercise hoops is different.
7. I do not know the exact amount of the manufacture costs for my competitors' similar products with alternative design, but the manufacture costs and process are very similar to the manufacture costs and process of my wavy ridges exercise hoops that is the subject of this trademark.
8. My company spends approximately \$150,000 per year on advertising and promoting SPORTS HOOP's products, a substantial portion of which has been for the unique wavy ridges exercise hoop products.
9. My company advertises the products in commerce through direct mail, print ads, online advertising services such as Amazon, EBay, Google, Yahoo, Bling, and etc. for more than 12 years in United States.
10. Advertisements for the wavy-ridges exercise hoop have appeared in well-known publications of the sports and fitness industry such as *Specialty Retail Report* and *Women's Health & Fitness*.
11. In addition, unsolicited media coverage from well-known publications such as articles from *Reader's Digest* and *The Oprah Magazine* have covered my exercise hoop products before.
12. I maintain an online retail store at www.sports-hoop.com and www.sportshoopclub.com websites, through which the wavy-ridges exercise hoops are available for sale.
13. My products are also available for sale on popular shopping websites such as EBay, Amazon, Shopzilla, and other internet stores.

14. In addition to retail sales, we wholesale the products to local retail stores and approximately four thousand women's fitness clubs such as *The Curves*, *IT Figures!*, and *Contours*.
15. In 2010 alone, we sold approximately 200,000 wavy ridges exercise hoops in the United States and approximately one (1) million wavy ridges exercise hoops internationally.
16. In 2010 alone, revenues for the wavy ridges exercise hoops were in the millions of dollars.

Having been warned that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

Dated:

May 11, 2011

By:


Kun Yuan Lin, Applicant